## UNITED STATES DISTRICT COURT NORTHERN DISTRICT OF ALABAMA SOUTHERN DIVISION

IN RE: CHANTIX (VARENICLINE) PRODUCTS LIABILITY LITIGATION Master File No.: 2:09-CV-2039-IPJ

MDL No. 2092

This Order Relates To:

ALL CASES

PRETRIAL ORDER NO. 10: SELECTION OF TRIAL POOL CASES

Pursuant to Pretrial Order No. 9 ("PTO 9"), and after consideration of the parties' submissions on the issue, the Court hereby selects cases into the Trial Pool in accordance with PTO 9§V. This Order applies to all cases currently pending in MDL No. 2092 and to all cases that will be filed directly in, transferred and/or removed to MDL No. 2092. This Order is binding on all parties and their respective counsel.

## I. SELECTION OF TRIAL POOL CASES.

1. The Trial Pool cases shall be: Judy Ann Whitely, as trustee for the next-of-kin of Mark Alan Whitely v Pfizer, Inc., Case 2:10-cv-01463-IPJ (Whitely); Katharine McClellan, individually, and as personal representative of the estate of Sandra Corey v Pfizer, Inc., Case 2:10-cv-00724-IPJ (Corey); Billy G. Bedsole, Jr. v Pfizer, Inc., Case 2:09-cv-02051-IPJ (Bedsole); Juanita Heidt v Pfizer, Inc., Case 2:10-cv-02366-IPJ (Heidt); Katarzyna Lech v Pfizer, Inc., Case 2:09-cv-02313-IPJ

PRETRIAL ORDER NO. 10 SELECTION OF TRIAL POOL CASES MASTER FILE NO.: 2:09-CV-2039-IPJ (Lech); Angel Michelle Beaudoin v Pfizer, Inc., Case 2:10-cv-02341-IPJ
(Beaudoin); Regina Pruitt v Pfizer, Inc., Case 2:10-cv-00562-IPJ (Pruitt); and
John D. Pass and Penny M. Pass v Pfizer, Inc., Case 2:10-cv-01681-IPJ (Pass).

- 2. Whitely is hereby set for trial on October 22, 2012. Corey is hereby set for trial on January 22, 2013.
- 3. Trial dates for the remaining cases will be set forth in a subsequent order.
- 4. If both *Whitely* and *Corey* are tried as scheduled, *Bedsole* will be the third case tried. If both *Whitely* and *Corey* are settled, dismissed or resolved, then *Bedsole* will be the first case tried and *Heidt* will be the second case tried. If *Whitely* is tried as scheduled but *Corey* is settled, dismissed or resolved, *Heidt* will be the second case tried and *Bedsole* will be the third case tried. If *Whitely* is settled, dismissed or resolved then *Bedsole* will be the first case tried, followed by *Corey*.
- 5. The remaining four cases in the Trial Pool to be tried will be *Lech*, *Beaudoin*, *Pruitt*, and *Pass*, in that order, commencing on dates to be determined by the Court, after consultation with the parties.

## II. CASE-SPECIFIC DISCOVERY.

6. The pretrial deadlines set forth in PTO 9 ¶¶ 18-19, governing additional case-specific discovery and motion practice, apply to Whitely and

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Corey. Case-specific summary judgment motions in Whitely and Corey shall be

filed on the same schedule as Daubert motions. The Court will set other pretrial

deadlines at a later time after consultation with the parties.

7. The parties shall conduct case-specific fact discovery in *Bedsole* and

Heidt commencing on June 1, 2012, and ending on September 15, 2012. The Court

will set expert discovery and motions deadlines in these two cases at a later time

after consultation with the parties.

8. Paragraphs 10-15 of PTO 9 shall apply to case-specific discovery in

Trial Pool cases.

9. Deadlines for case-specific discovery and motions in other Trial Pool

cases will be determined at a later date.

**DONE** and **ORDERED** this 16<sup>th</sup> day of March 2012.

INGE PRYTZ JOHNSON

U.S. DISTRICT JUDGE